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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/099,873	03/15/2002	Michael R. Wells	1684-4189US (484-15631-US)	4455
24247	7590	06/01/2004	EXAMINER	
TRASK BRITT P.O. BOX 2550 SALT LAKE CITY, UT 84110			GAY, JENNIFER HAWKINS	
			ART UNIT	PAPER NUMBER
			3672	

DATE MAILED: 06/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/099,873

Applicant(s)

WELLS ET AL. 

Examiner

Jennifer H Gay

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 and 26-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-24 and 28 is/are allowed.
- 6) ☒ Claim(s) 26, 27 and 29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

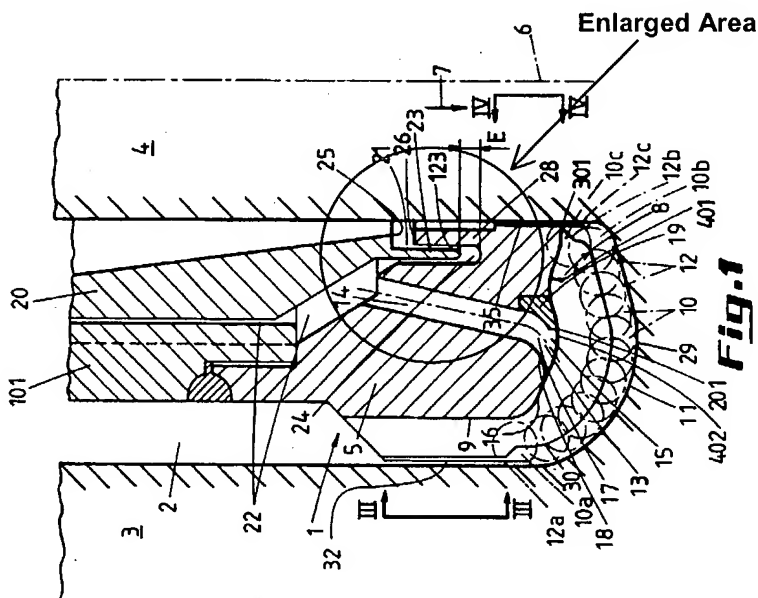
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 26, 27, and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Dekoster (US 5,460,230).

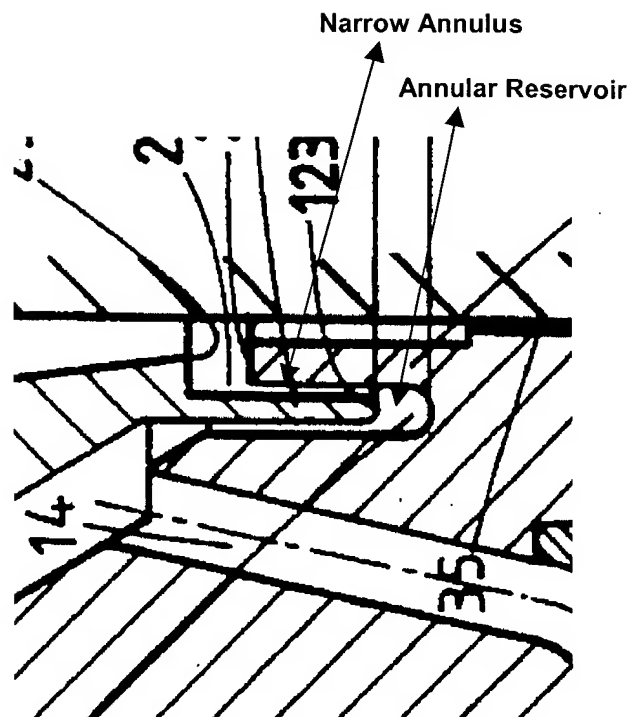
*Regarding claims 26 and 29:* Dekoster discloses a method for using core barrel device that would reduce the flow of fluid into a narrow annulus formed by an inside surface of a core bit **1** and the outer surface of a core shoe **20** extending into the core bit (see Figure 1). The method involves the steps of imparting circumferential flow to the fluid within an annular reservoir **24** in fluid communication with the narrow annulus and receiving the flowing fluid in a plurality of ports **15** in fluid communication with the annular reservoir. *The examiner notes that Dekoster does not specifically teach imparting circumferential flow to fluid within the annular reservoir, however, the shape of the reservoir and the curve of the narrow annulus would cause fluid to be recirculated within the reservoir.*

*Regarding claim 27:*  
Dekoster discloses a method for using core barrel device that would reduce the flow of fluid into a narrow annulus formed by an inside surface of a core bit **1** and the outer surface of a core shoe **20** extending into the core bit (see Figure 1). The method



involves the steps of creating fluid recirculation zones (a plurality of ports **15** located around the bit) along the inside of the core bit to impart resistance to fluid flow in the narrow annulus.

The examiner notes that Dekoster does not specifically teach imparting resistance to the fluid flow within the narrow annulus, however, the shape and curve of the narrow annulus would cause fluid to be recirculated within the annulus thus imparting a resistance to the fluid flow.



#### ***Allowable Subject Matter***

3. Claims 1-24 and 28 are allowed.

#### ***Response to Arguments***

4. In response to applicant's inquiry regarding the Preliminary Amendment filed 16 July 2002, the examiner notes that the amendment was entered and considered; no further action by applicant is required.

5. Applicant's arguments with respect to claims 26, 27, and 29 have been considered but are moot in view of the new ground(s) of rejection.

The examiner notes that it was determined that Dekoster inherently discloses imparting circumferential flow to fluid within an annular reservoir in fluid communication with a narrow annulus as recited in claims 26, 27, and 29. The features that impart circumferential flow are indicated above.


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**Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer H Gay whose telephone number is (703) 308-2881. The examiner can normally be reached on Monday-Thursday, 6:30-4:00 and Friday, 6:30-1:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (703) 308-2151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jennifer Gay  
Patent Examiner  
Art Unit 3672

  
JHG

May 17, 2004